IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.8181 OF 2003

Mr.S.S. Patwardhan for the Petitioner.

Mr.Tejas Deshmukh h/f Mr.A.A. Kumbhakoni for Respondents Nos. 1 to 3.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 8TH JUNE,2005

P.C.:

By this petition, the petitioner challenges the order dated 12-9-2003. By that order an application dated 12-8-2003 filed by the Petitioner was rejected. The application was made for permission to lead secondary evidence in relation to possession receipt. The original of the possession receipt is lost. Even certified copy is not in existence. Really speaking, therefore, the Petitioner should have lead evidence to prove the fact

of possession by leading documentary or oral evidence. Possession receipt cannot be said to be the only document for evidence to prove the fact of possession. The application was misconceived and therefore the court has rejected it. I see no reason to interfere with the order. Petition is rejected.

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